IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2797 OF 2005

IN

SUIT NO. 1117 OF 2004

Mr. N. Chanda ... Plaintiffs

vs.

M/s. Amruta Fils (P)
Ltd., & Anr. .. Defendants.

Mr. Mr. S.K. Chaurasia i/by A.M. Saraogi
for the plaintiffs.
Mr. Umesh Shetty for defendant no.1.
Mr. Jay Joshi i/by Anil T. Agarwal
for defendant no. 2.

CORAM : S.U. KAMDAR, J.
DATE : 25TH OCTOBER, 2005.

P.C.

. The present notice of motion is taken out on the ground that an ad-interim order dated 25.3.2004 passed in Notice of Motion No. 1140 of 2004 has not been complied with and, therefore, an application is made for attachment before judgment. However, the said order has been further clarified by an order

dated 20.4.2004. Thereafter the said notice of motion no. 1140 of 2004 came up for final hearing when the plaintiff withdrawn the motion and by an order dated 24.12.2004 the learned Single Judge has recorded the said fact and has stated that the ad-interim order stands vacated. In view of the aforesaid order, the order dated 25.3.2004 does not survive any more and thus the present motion taken out on the basis of the vacated order is ex-facie frivolous and abuse of the process of law. In that view of the matter, motion dismissed. The plaintiff is directed to pay costs of the present proceedings quantified at Rs. 10,000/- to the Maharashtra State Legal Services Authority.